

REMARKS

Prior to entry of this reply, claims 2-8, 10-18 and 22 are pending in the subject application. Claims 6, 7, 8, 14, 15, 17 and 18 are withdrawn from consideration.

Claims 11 and 12 are independent.

A. Rejoinder of Withdrawn Claims 6, 7, 8, 14, 15, 17 and 18

Applicants note that the Figures of the originally filed application merely illustrated exemplary embodiments including one or more aspects of the invention. That is, combinations of the one or more aspects of the invention illustrated in each of the Figures of the originally filed application may be employed in various other embodiments consistent with the originally filed specification. Applicants kindly refer the Examiner to paragraph [0032] of the originally filed specification that clearly states that the “invention may, however, be embodied in different forms and should not be construed as limited to the embodiments set forth herein.” Further, it is respectfully submitted that claims 11 and 12 are generic to each of the claims depending therefrom, and thus, withdrawn non-elected claims 6, 7, 8, 14, 15, 17 and 18 should be rejoined. Further, each of claims 6, 7, 8, 14, 15, 17 and 18, which depend from one of allowable claims 11 and 12, are also allowable for at least the same reasons that claims 11 and 12 are allowable.

B. Introduction

In the outstanding Office action:

- i) claims 10 and 16 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; and
- ii) claims 2-5, 11-13 and 22 were allowed.

C. Asserted Rejection of Claims 10 and 16 under 35 U.S.C. § 112, First Paragraph

In the outstanding Office action, claims 10 and 16 were rejected under 35 U.S.C.

§ 112, first paragraph, as failing to comply with the written description requirement. In particular, the phrase “at least one” in each of claims 10 and 16 was objected to as allegedly being new matter. Applicants respectfully disagree.

With regard to claim 10, applicants respectfully note that while paragraph [0053] of the originally filed specification may recite “may be an automatic valve, a manual valve, and automatic pump, or a manual pump,” these are provided as examples of each control unit, e.g., 126a, 128a, 140a. Further, claim 12, from which claim 10 depends, recites “a control unit” and it is understood that “a control unit” may inherently include a plurality of control units. Thus, it is understood that in embodiments of claims 10 and 12, “a control unit” may include a single valve, a single pump, a manual pump, an automatic pump or any combination of one and/or more of each of the foregoing. For at least these reasons, it is clear that the “at least one” phrase in claim 10 is not new matter, and no amendments to claim 10 are necessary in response to the rejection under 35 U.S.C. § 112, first paragraph.

With regard to claim 16, while paragraph [0018] of the originally filed paragraph may recite “the working fluid may be water, deionized water, acetone, or methyl,” e.g., paragraph [0039] of the originally filed paragraph clearly states that the “working fluid 104a may be water, i.e., deionized water, acetone, methyl or any suitable liquid.” Further, applicants note that, e.g., paragraph [0032] of the originally filed specification sets forth that features of invention are described with reference to exemplary embodiments illustrated in the drawings, however, those embodiments are not provided to be limiting. Accordingly, for at least these reasons, it is respectfully submitted that the “at least one” phrase in claim 16 is not new matter, and no amendments to claim 16 are necessary in response to the rejection under 35 U.S.C. § 112, first paragraph.

Accordingly, it is respectfully requested that the rejection be withdrawn.

D. Allowable Subject Matter

Applicants appreciate the allowance of claims 2-5, 11-13 and 22. For the reasons discussed herein, applicants submit that all pending claims are allowable.


E. Conclusion

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,
LEE & MORSE, P.C.

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.